

adjacent the first flotation member. Wilson fails to teach or suggest the claimed first plurality of gas-relief passageways.

The Office asserts that Wilson discloses a "plurality of gas relief vents (col 3 lines 30-43; 34-fig 4)" Action at page 2. This is not what Wilson teaches. The Office's cited portion of column 3 of Wilson reads:

The pattern is merely exemplary and comprises a first longitudinal string 24 of flotation blocks extending longitudinally across the central portion of the cover and terminating just inside the adjacent sidewall 14. Preferably the longitudinal string 24 is defined by upper and lower strings of blocks 22 arranged or stacked together in two layers to easily and relatively inexpensively form a plurality of longitudinally spaced transverse passages, one of which is illustrated at 26 in FIG. 5. More particularly, the blocks 22 of the upper layer are arranged in longitudinally extending, end-to-end abutting relation, and are encased by an outer cover or sleeve 28 made of flexible sheet material which is preferably the same as that of the cover 10.

At best, this passage discusses **longitudinally spaced transverse passages**. However, it does not teach or suggest a first plurality of gas-relief passageways positioned either **within** the claimed first float compartment membrane, or **within** the claimed first membrane and adjacent the claimed first flotation member. The Office offers no explanation to the contrary.

The Office also points to element 34 of FIG. 4 of Wilson. However, element 34 is not a gas-relief passageway, much less a plurality of gas-relief passageways positioned either within the claimed first float compartment membrane, or within the claimed first membrane and adjacent the claimed first flotation member, as required by claim 1. Instead, element 34 is a strap:

A plurality of longitudinally spaced apart, transversely extending **straps 34**, preferably made of the same material as that of the cover 10, are arranged along the length of the strings 24 and 30, the opposite extremities of the straps being sandwiched between the upper and lower layers of blocks 22 of the strings 24 and 30, as best seen in FIG. 4. A suitable adhesive is employed to adhere the stacked blocks to one another and to the adjacent extremities of the straps 34.

Col. 3, lines 55-63 (emphasis added). These straps do not meet the claimed first plurality of gas-relief passageways, and the Office offers no explanation to the contrary.

For at least these reasons, claim 1, and all its dependent claims, are patentable over Wilson. Applicants respectfully request that the Office allow these claims.

2. Claims 16-23

Independent claim 16 is directed to a covering system that includes a first membrane having a width; a first float coupled to the first membrane, the first float having a width that is not more than twenty-five percent of the width of the first membrane; and a second membrane coupled to the first membrane so as to define gas-relief openings between the first and second membranes. Wilson fails to teach or suggest the claimed second membrane.

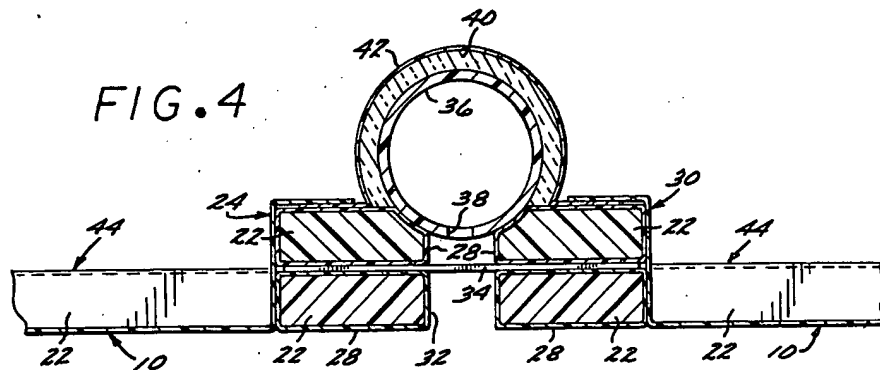
The Office states::

The covering system has float with width less than 25% of the width of the membrane, and the gas relief opening are between the first and second membrane (at 28 –fig 4) as in instant claim 16.

Action at page 2. Element 28 in Wilson is a sleeve in which blocks 22 are encased:

More particularly, the blocks 22 of the upper layer are arranged in longitudinally extending, end-to-end abutting relation, and are encased by an outer cover or sleeve 28 made of flexible sheet material which is preferably the same as that of the cover 10.

Col. 3, lines 38-43. These sleeves are shown in FIG. 4, which the Office references:



It is not clear what alleged membrane from Wilson qualifies as the claimed second membrane from claim 16. In this regard, the Office has not complied with its obligation to clearly state the grounds of its rejection. MPEP § 707.07(d). In any event, no such membrane is disclosed or suggested in Wilson. If the Office is asserting that sleeve 28 is the second membrane claimed in claim 16, where is the membrane in Wilson that has a width and is coupled to a float with a width that is not more than 25% of the width of that membrane, as required by claim 16? Cover 10 is certainly not that membrane. None of the sleeves 28 in FIG. 4 are coupled to cover 10 so as to define gas-relief openings between any of those sleeves and cover 10. The Office has not offered any explanation to the contrary.

For at least these reasons, claim 16, and all its dependent claims, are patentable over Wilson. Applicants respectfully request that the Office allow these claims.

3. Claims 28 and 29

Independent claim 28 is directed to a venting method that includes coupling a first membrane to a first flotation member. The first flotation member includes a first float and a first float compartment membrane. The coupling includes coupling the first float compartment membrane to the first membrane. The venting method also includes, in relevant part, forming gas-relief passageways either within the first float compartment membrane, or within the first membrane and adjacent the first flotation member. Wilson fails to teach or suggest the claimed forming for at least the same reasons set forth above with respect to claim 1.

The method also includes elevating at least a portion of the first membrane so that gas from a body containing some liquid is unobstructedly vented to atmosphere through at least one of the gas-relief passageways. This step is nowhere taught or suggested in Wilson. In fact,

Wilson teaches away from this step because Wilson discloses that **all** of the gas that rises off of the liquid over which cover 10 is placed is routed to conduit 36. Col. 4, lines 63-66.

For at least these reasons, claim 28, and its dependent claim 29, are patentable over Wilson. Applicants respectfully request that the Office allow these claims.

4. Claims 30 and 31

Independent claim 30 is directed to a venting method that includes coupling a first membrane having a width to a first float having a width that is not more than twenty-five percent of the width of the first membrane. The method also includes, in relevant part, coupling a second membrane to the first membrane so as to define gas-relief openings between the first and second membranes. This second coupling step is neither taught nor suggested by Wilson for at least the reasons given with respect to claim 16.

The method also includes elevating the gas-relief openings over a body containing some liquid so that gas from the body is unobstructedly vented to atmosphere through at least one of the gas-relief openings. This step is nowhere taught or suggested in Wilson. In fact, Wilson teaches away from this step because Wilson discloses that **all** of the gas that rises off of the liquid over which cover 10 is placed is routed to conduit 36. Col. 4, lines 63-66.

For at least these reasons, claim 30, and its dependent claim 31, are patentable over Wilson. Applicants respectfully request that the Office allow these claims.

5. Claim 32

Claim 32 is directed to a method of venting gas from a body containing some liquid. The method includes placing a covering system over the body and, in relevant part, positioning the covering system to allow gas from the body to vent to atmosphere around the outer edge of the first membrane of the covering system. Wilson fails to teach or suggest such positioning.

The Office makes no attempt to explain how Wilson meets the limitations of claim 32.

Instead, the Office states:

Wilson (863) teaches a method for venting pool with providing a membrane pool cover having one or more membranes and float supports sealed in the membrane, and with a series of gas vent openings as in instant claims 28-32 (see figures 1-10 and col 3 line 3-col 6 line 58).

Action at page 2. The Office failed to clearly state the grounds of its rejection. MPEP § 707.07(d). Wilson does not teach or suggest the claimed positioning step because nothing in Wilson suggests that gas from container 12 can or should be vented around the outer edge of cover 10. Instead, Wilson consistently teaches the opposite: that the gas that forms under the cover should be collected under the cover and channeled into conduit 36, from where it can then be suctioned off. See col. 4, lines 63-66 and col. 5, lines 8-18.

For at least these reasons, claim 32 is patentable over Wilson. Applicants respectfully request that the Office allow this claim.

C. Claims 14, 15, and 24-27 Are Patentable over Wilson in View of Vogel

The Office rejects claims 14, 15, and 24-27 as being obvious over Wilson in view of U.S. Patent No. 6,136,194 to Vogel et al. (Vogel). Applicants respectfully traverse.

1. Claims 14 and 15

Claims 14 and 15 depend from claim 1 and are therefore patentable for the same reasons as claim 1. Vogel does not cure the deficiencies of Wilson.

These claims are patentable over the Office's asserted combination for additional reasons. Claim 14 recites that the covering system of claim 1 also includes a service opening positioned within the first membrane. The service opening is defined by a service opening edge and is spaced apart from the first flotation member and the first plurality of openings. A second

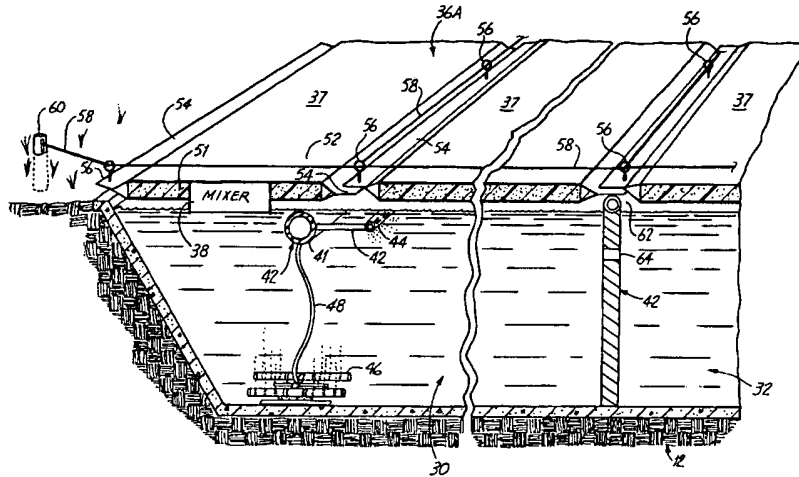
flotation member is coupled to the first membrane so as to elevate the service opening edge above a body containing some liquid when the system is used, and a service opening membrane is coupled to the service opening edge.

The Office asserts that “Wilson teaches the membrane cover of instant claims 14,15 and 24-27 as in instant claims 1 and 7 above, except for the service opening. Vogel (194) teaches a service opening with adequate edge supports for supporting mechanical equipment, etc (col 5 lines 14-23) in a floating pool cover.” Action at page 3. The Office is correct that Wilson fails to disclose the service opening of claim 14. However, the Office does not address Wilson’s failure to teach or suggest the claimed second flotation member that is coupled to the first membrane so as to elevate the service opening edge above a body containing some liquid when the system is used. The Office also does not address Wilson’s failure to teach or suggest the claimed service opening membrane coupled to the service opening edge.

Vogel does not cure all of these deficiencies, even assuming for argument’s sake that it is proper to combine Vogel with Wilson. The cited portion of Vogel on which the Office relies states:

Individual modules 37 also preferably include openings formed in select modules 37 to house floating mechanical equipment such as floating mixers 38 or other stationary mechanical equipment. Modules 37 can also includes hatches for access to submerged equipment or for sampling the wastewater. The buoyancy of the rigid cover system 36A, 36B is sufficient to support the weight of several crew members who may be walking or working on cover system 36A, 36B.

Col. 5, lines 14-23. Modules 37 are shown in FIG. 2:



Although Vogel describes including “openings” in modules 37 to house floating mechanical equipment such as floating mixers 38, Vogel does not teach or suggest a service opening membrane coupled to the edge of any such openings. The Office offers no explanation to the contrary. For at least these reasons, the obviousness rejection of claim 14 should be withdrawn and the claim allowed.

Claim 15 further limits the covering system of claim 14 to require a service opening weight coupled to the service opening membrane and spaced apart from the service opening edge. Vogel fails to teach or suggest this claimed weight, and the Office offers no explanation to the contrary. Therefore, claim 15 should also be allowed.

2. Claims 24 and 25

Claims 24 and 25 closely track the limitations in claims 14 and 15 and are patentable for at least the same reasons.

3. Claims 26 and 27

Independent claim 26 is directed to a floating cover that includes a first membrane; a service opening positioned within the first membrane, the service opening being defined by a service opening edge; a flotation member coupled to the first membrane so as to elevate the

service opening edge above a body containing some liquid when the system is used; and a service opening membrane coupled to the service opening edge.

This claim is patentable for at least the same reasons as claim 14 given above. The Office is respectfully requested to allow claim 26.

Claim 27, like claim 15, requires that a service opening weight be coupled to the service opening membrane and spaced apart from the service opening edge. This claim is patentable for at least the same reasons as claim 15 given above. The obviousness rejection of this claim should, therefore, be withdrawn and this claim allowed.

D. Petition for Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of two months up to and including May 19, 2003 in which to respond to the Office Action dated January 19, 2003. If the check for this extension fee has been omitted, or if an overpayment has been included, the Commissioner is authorized to deduct or credit the appropriate fee, and deduct any additional fees under 37 C.F.R. §§ 1.16 to 1.21 required for any reason relating to the enclosed materials, from Fulbright & Jaworski Deposit Account No.: 50-1212/IAEC:006US/MTG.

E. Conclusion

Applicants respectfully submit that claims 1-32 are in condition for allowance. Should Examiner Menon have any questions concerning this application, the examiner is invited to contact Applicants' attorney at (512) 536-3031.

Respectfully submitted,



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APPENDIX A – MARKED-UP COPY OF AMENDED CLAIM
FOR SERIAL NO. 10/003,037

24. (Amended) The covering system of claim 16, further comprising:
- a service opening positioned within the first membrane, the service opening being defined
- by a service opening edge and being spaced apart from the first float and the gas-
- [escape] relief openings;
- a second flotation member coupled to the first membrane so as to elevate the service
- opening edge above a body containing some liquid when the system is used; and
- a service opening membrane coupled to the service opening edge.

APPENDIX B - CLEAN COPY (UNOFFICIAL) OF
PENDING CLAIMS FOR SERIAL NO. 10/003,037

1. A covering system comprising:
 - a first membrane;
 - a first flotation member coupled to the first membrane, wherein the first flotation member includes a first float and a first float compartment membrane, and wherein the first float compartment membrane is coupled to the first membrane; and
 - a first plurality of gas-relief passageways positioned either:
 - within the first float compartment membrane, or
 - within the first membrane and adjacent to the first flotation member;wherein at least one of the gas-relief passageways within the first plurality is structured so that gas flows unobstructed through it when the system is used.
2. The covering system of claim 1, wherein the first float is sealed in the first float compartment membrane.
3. The covering system of claim 1, wherein the first float compartment membrane is coupled to the first membrane with at least a flotation member tie.
4. The covering system of claim 1, wherein the first float compartment membrane is coupled to the first membrane with at least a flotation member strap.

5. The covering system of claim 1, wherein the first float compartment membrane is coupled to either an upper surface or a lower surface of the first membrane, and wherein the first float is positioned between the first membrane and the first float compartment membrane.

6. The covering system of claim 1, wherein the first flotation member is coupled to the first membrane so as to elevate the first plurality of gas-relief passageways above at least a portion of the first membrane when the system is used.

7. The covering system of claim 1, further comprising:

a second membrane;

a second flotation member coupled to the second membrane, wherein the second flotation

member includes a second float and a second float compartment membrane, and

wherein the second float compartment membrane is coupled to the second

membrane;

a flotation member link coupling the first flotation member to the second flotation

member; and

a second plurality of gas-relief passageways positioned either:

within the second float compartment membrane, or

within the second membrane and adjacent to the second flotation member;

wherein at least one of the gas-relief passageways within the second plurality is structured

so that gas flows unobstructed through it when the system is used.

8. The covering system of claim 1, further comprising:

a second flotation member coupled to the first membrane, wherein the second flotation member includes a second float and a second float compartment membrane, and wherein the second float compartment membrane is coupled to the first membrane; and

a flotation member link coupling the first flotation member to the second flotation member.

9. The covering system of claim 1, further comprising:

a second flotation member coupled to the first membrane, wherein the second flotation member includes a second float and a second float compartment membrane, the second float compartment membrane is coupled to the first membrane, and the second flotation member is spaced apart from the first flotation member; and

a first elongated weight positioned on an upper surface of the first membrane and between the first and second flotation members.

10. The covering system of claim 9, further comprising:

a second elongated weight positioned on an upper surface of the first membrane at an angle to either the first flotation member, the second flotation member, or the first elongated weight.

11. The covering system of claim 1, further comprising:

an anchor system coupled to an edge of the first membrane, the anchor system comprising:

a weighted member extending along and coupled to at least a portion of the edge
of the first membrane.

12. The covering system of claim 11, wherein the anchor system further comprises a connector coupled to the edge of the first membrane.

13. The covering system of claim 12, wherein the connector includes a sleeve.

14. The covering system of claim 1, further comprising:
a service opening positioned within the first membrane, the service opening being defined
by a service opening edge and being spaced apart from the first flotation member
and the first plurality of openings;
a second flotation member coupled to the first membrane so as to elevate the service
opening edge above a body containing some liquid when the system is used; and
a service opening membrane coupled to the service opening edge.

15. The covering system of claim 14, further comprising:
a service opening weight coupled to the service opening membrane and spaced apart from
the service opening edge.

16. A covering system comprising:
a first membrane having a width;

a first float coupled to the first membrane, the first float having a width that is not more than twenty-five percent of the width of the first membrane; and
a second membrane coupled to the first membrane so as to define gas-relief openings between the first and second membranes.

17. The covering system of claim 16, wherein the first float is sealed in a first float compartment membrane, and wherein the first float compartment membrane is coupled to the first membrane.

18. The covering system of claim 16, wherein the first float is coupled to the first membrane with a first float compartment membrane, wherein the first float compartment membrane is coupled to either an upper surface or a lower surface of the first membrane, and wherein the first float is positioned between the first membrane and the first float compartment membrane.

19. The covering system of claim 16, further comprising:
a second float coupled to the first membrane, the second float being spaced apart from the first float; and
a first elongated weight positioned on an upper surface of the first membrane and between the first and second floats.

20. The covering system of claim 19, further comprising:
a second elongated weight positioned on an upper surface of the first membrane at an angle to either the first float, the second float, or the first elongated weight.

21. The covering system of claim 16, further comprising:
an anchor system coupled to an edge of the first membrane, the anchor system
comprising:
a weighted member extending along and coupled to at least a portion of the edge
of the first membrane.
22. The covering system of claim 21, wherein the anchor system further comprises a
connector coupled to the edge of the first membrane.
23. The covering system of claim 22, wherein the connector includes a sleeve.
24. (Amended) The covering system of claim 16, further comprising:
a service opening positioned within the first membrane, the service opening being defined
by a service opening edge and being spaced apart from the first float and the gas-
relief openings;
a second flotation member coupled to the first membrane so as to elevate the service
opening edge above a body containing some liquid when the system is used; and
a service opening membrane coupled to the service opening edge.
25. The covering system of claim 24, further comprising:
a service opening weight coupled to the service opening membrane and spaced apart from
the service opening edge.

26. A floating cover comprising:
- a first membrane;
 - a service opening positioned within the first membrane, the service opening being defined by a service opening edge;
 - a flotation member coupled to the first membrane so as to elevate the service opening edge above a body containing some liquid when the system is used; and
 - a service opening membrane coupled to the service opening edge.
27. The floating cover of claim 26, further comprising:
- a service opening weight coupled to the service opening membrane and spaced apart from the service opening edge.
28. A venting method comprising:
- coupling a first membrane to a first flotation member, wherein the first flotation member includes a first float and a first float compartment membrane, and wherein the coupling includes coupling the first float compartment membrane to the first membrane;
 - forming gas-relief passageways either:
 - within the first float compartment membrane, or
 - within the first membrane and adjacent to the first flotation member; and
 - elevating at least a portion of the first membrane:

so as to cause the first membrane to float when placed over a body containing
some liquid; and

so that gas from the body is unobstructedly vented to atmosphere through at least
one of the gas-relief passageways.

29. The venting method of claim 28, wherein the coupling includes welding the first float compartment membrane to the first membrane.

30. A venting method comprising:

coupling a first membrane having a width to a first float having a width that is not more
than twenty-five percent of the width of the first membrane;

coupling a second membrane to the first membrane so as to define gas-relief openings
between the first and second membranes;

placing the coupled first and second membranes over a body containing some liquid; and
elevating the gas-relief openings over the body so that gas from the body is
unobstructedly vented to atmosphere through at least one of the gas-relief
openings.

31. The venting method of claim 30, wherein the coupling the second membrane to the first membrane includes welding the second membrane to the first membrane.

32. A method of venting gas from a body containing some liquid, comprising:

placing a covering system over the body, the covering system comprising:

a first membrane having an outer edge and a width;
a first flotation member coupled to the first membrane, wherein the first flotation member includes a first float and a first float compartment membrane, the first float has a width that is not more than twenty-five percent of the width of the first membrane and a first float compartment membrane, and the first float compartment membrane is coupled to the first membrane;
elevating portions of the first membrane above the body; and
positioning the covering system to allow gas from the body to vent to atmosphere around the outer edge of the first membrane.